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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003012

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TAGS: [PGOV](#) [KDEM](#) [IZ](#)
SUBJECT: COUNCIL OF REPRESENTATIVES GOVERNORATES COMMITTEE
WORKING ON FEDERALISM LEGISLATION WHILE SUNNI CHAIRMAN
VACATIONS IN UAE

Classified By: (U) Classified by Political Counselor Margaret M. Scobey
for Reasons 1.4 (b) and (d).

¶1. (C) Summary. PolOffs met August 16 with Deputy Chair of the Council of Representatives' (CoR) Committee on Regions and Governorate Affairs Nada Abdullah al-Sudani (Shia Coalition/Dawa). Al-Sudani said she had collaborated with fellow Shia Coalition member Minister of CoR Affairs Safa al-Safi to produce draft legislation on executive procedures to establish regions (per Article 118 of the constitution). She had ten CoR members sign the bill in order to send it to the CoR for consideration. Al-Sudani highlighted six laws the Committee needs to work on, including one to establish the authorities of provincial councils. She said there is no consensus on a date for provincial elections. End Summary

¶2. (C) It appears that despite the absence of committee chair Dhafer Nadhem Al-Ani (Tawafuq), who is on vacation in the UAE, the Provincial Affairs Committee has begun work on its first bill and determining which additional laws to draft. Al-Sudani said she is in regular contact with the Chairman and that the committee has met four or five times since its formation.

WORKING AROUND THE CHAIRMAN

¶3. (C) In Al-Ani's absence, Al-Sudani told PolOffs that she and Minister of State for CoR Affairs Safa al-Safi had drafted the bill establishing executive procedures for governorates to establish regions by themselves. She then had ten fellow CoR members sign the bill so that it could be presented to the speaker and his deputies for action. By doing so, she could send the bill without the Chair's approval. When asked about the Chairman's stance, she replied that Dhafer Al-Ani opposes any action on federalism until the constitutional review process is complete. Al-Sudani said she had acted in the absence of the committee chair, not only because of the urgent need to present the draft bill, but also because she takes Iraqi federalism as a given and believes that it should be reflected in legislation. (NOTE: Article 118 of the Constitution requires that the CoR enact such a bill by a simple majority of members present "in a period not to exceed six months from the date of its first session." There has been no formal interpretation as to whether that means six months from March 16 when the first session began or April 22 when the first session ended. END NOTE). She said she hoped the CoR would consider this bill during its first session after the recess.

COMMITTEE AGENDA

¶4. (C) Al-Sudani highlighted six laws that the committee needs to work on: (a) Establishing the executive procedures to form regions; (b) Defining authorities of provincial councils not in regions (to replace CPA Order 71); (c) Defining authorities of regions/governorates versus the central government. She said that the constitution defines the central government's powers, with the remaining powers delegated to the regions. She believes the governorate powers must be defined; (d) Defining authorities for the Baghdad Provincial Council; (e) Establishing Commission to distribute revenues to governorates (per Article 106); and (f) Setting the date and scope of provincial elections.

PROVINCIAL ELECTIONS LAW -- NO AGREEMENT ON DATE

¶5. (C) Al-Sudani said there has been no agreement on a final date for provincial elections. She cited the conflict among the political blocs, specifically mentioning Tawafuq's desire to have them as early as possible while others prefer a delay due to the security situation. She said she personally would support early provincial elections since requests to form a region will come from the provincial councils, and membership of those should reflect increased participation in the political process since the January 2005 elections.

COR AND GOVERNORATES

¶6. (C) When PolOff asked how the Committee will interact with the governorates when the various federalism bills are being considered, she answered that the committee had asked the CoR

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Presidency Commission to appoint representatives in each of the 18 governorates to work as messengers. She said the Presidency Commission refused, citing budgetary constraints and the fact that CoR members can act as intermediaries to their respective governorates. She added that it was apparent at the recent conference that the provincial councils are suspicious of the central government. She said the committee has a copy of the provincial council's unified draft law on their authorities, but that the committee is not committed to go back to them when the bill is drafted.

COMMENT

¶7. (C) Al-Sudani said the Committee would welcome assistance in drafting legislation from the Embassy's legal section. She said the CoR's Research Directorate was only able to provide limited assistance. We will take advantage of her interest in dialogue with us to remain abreast of the development of this important legislation. We will also engage Tawafuq leaders on Committee Chairman Al-Ani's frequent absences from the Committee to ensure the broadest possible cross-sectarian involvement in the drafting process. Tawafuq's desire for the committee chairmanship reflected strong interest in ensuring a strong Sunni voice on this issue. Al-Ani may be squandering the opportunity to exercise this voice. Certainly the Shia and Kurdish committee members are prepared to move forward without him.
KHALILZAD